



Hammurabi

Human

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(HHRO)



**Report of Hammurabi Human Rights Organization (HHRO)
About The Situation of Iraqi Minorities
2011**

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Report of Hammurabi Human Rights Organization (HHRO) about the Situations of Minorities in Iraq for the Year 2011

Introduction

The respect of minorities rights in the countries in which there is a group or more of minority inside their territories, which are characterized in, ethnic, religions or language identity is considered of the basic elements in building democracy and achieving the aspirations of the nationalist, ethnic, religions and language groups and ensuring the rights of persons affiliated to them, represent acknowledgement in the dignity and quality of all individuals, and enhance the development based on political participation and the building of the state, then participate in easing the tensions between the groups and individuals, and these factors are critical to achieve stability and peace.

To achieve this purpose in Iraq our report required inspecting and studying the extent of the existence of suitable environment to protect the minorities and the existence of legislative and legal guarantees organizing their rights.

To achieve the aims of our report it was required to depend on the descriptive analytical methodology and the legal methodology through measuring the extent of availability of suitable legal environment to protect minorities, and the volume of guarantees available to support and consolidate their rights in what allow them to express their religions, national ethnic and linguistic particulates and distinctions in complete freedom, and it was depended on viewing, field observation, meetings and personal direct interviews, and the information of members and supporters of the organization spread in number of Iraq governorates and on the letters, complaints and statements which the organizing receives from Iraqi citizens, as well as from civil society organizations concerned in human rights and minorities and their media means. Where the report addressed the constitutional articles and some Iraqi legislation and their applications, and the violations and assaults to which the sons of minorities were subjected in general. The report focuses essentially on the situations of Christian's religions freedoms, discrimination practices, the file of migration and return and the role of the Iraqi government in achieving protection, justice and prohibition of discrimination, the issue of escaping from punishment, the file of missing and disappearing and other topics.

The report recommends enacting laws or amending some of the laws to support and consolidate protection of minorities and following the policy of positive discrimination in political participation and representation in various state establishments, and urging the government to pay attention to develop the infrastructures in the districts of minorities, and removing the transgressions on their village and returning their confiscated properties and lands, and respecting their religions freedoms and cultural and linguistic rights, and intensifying the accountability on the employees and the responsible who practice discrimination, and supporting the retunes of the sons of minorities and returns them to their jobs, colleges and institutes, and increasing the attention in the file of the missing and disappearing of the sons of minorities and compensating the families and relatives of the victims of violence and terrorism, and stopping the practices of harassment on the population and freedoms in the districts called disputed.

A- The Legal Environment:

The Iraqi Constitution granted all Iraqis extensive group of civil, political, economical, social and cultural rights (1), it provides protection against discrimination and emphasizes on the right of equality in treatment and the equality in reaching to the aims according to law. The most prominent of them what is contained in the text of article (14) of the constitution which contain a clause of equal protection for all... regardless of gender, race, nationality, origin, color, religion, sect, faith, opinion, economical or social status (2). Therefore all the components of the Iraqi people must be protected from discrimination and providing the equal protection according to Iraqi Law.

The report of the Institute of International Law and Human Rights which was issued in June 2011 indicates that although the Iraqi laws do not contain discriminating provisions publicly which may marginalize actually various components in Iraq, however there are many natural laws outwardly that may create to a considerable extent varied effect on the minorities which may lead to increase the exclusion and marginalizing of societies which actually faced oppression and discrimination in the past, the discriminating laws targets the injustice of minorities publicly leading to the oppression of the vulnerable categories, however, some laws such as the personal affairs law is based in the first place on the Islamic Sharia and simply does not take into consideration the non- Moslem minorities and other categories (3) such as the Christians, Izideis and Mandaean Sabian.

Beside that the provisions of article (41) of the Iraqi constitution which states that all Iraqis are free in their commitment in their personal affairs according to their religion, faith, beliefs or choices, and this text is inactive practically for not applying it and locking the legal texts (4) article (17) of personal affairs law No.(188) for the year 1959 states that (it is correct for the Moslem male to marry one of the book- Christian or Jewish- and it is not correct to marriage of the Moslem female from non- Moslem). Also article (18) of the above law states (the Islamization of one of the spouses before the other belongs to Sharia provisions in the stay of the marriage or separation between the two spouses). For instance when the husband Islamize it is possible for the woman to keep her religion, which if the wife Islamize then the husband is given the choice between separation or Islam. As for the children, if the husband or wife declared Islam then the minor children are considered Moslems and the keeper o the civil register (the population registrar) should apply the provisions of article (21) paragraph (3) of civil status law No.(65) for the year 1972 amended which states (the minor children follow in the religion who adopts the Islamic religion of the parents) and regarding the age of adulthood in Iraqi Law it is defined in article (106) of the civil law is the age of eighteen, therefore the minor is who did reach this age or inflicted in symptom of eligibility such as insanity for instance (5).

¹ Iraqi constitution 2005

² Article 14 of the constitution

³ Institute of International Law and Human Rights, report about minorities and law in Iraq, 2011, p 24

⁴ Mahir Said Matti, the rights of the Christian component in Iraqi legislation, analytical legal and remedial study Al-Mashriq cultural House, Dohuk , 2012, p 31

⁵ Mahir Said Matti, the rights of the Christian component in Iraqi legislation, analytical legal and remedial study Al-Mashriq cultural House, Dohuk, 2012, p 28

⁶ Ibid

And according to these laws above and the appeal decisions issued by courts consider the children Moslems according to the Islamization of one of the parents, and the religion of the minor children is changed in the column of religion in civil registers as soon as one of the parents declares Islam, and the children are entitled to file a claim within a period of one year only which is the period between the age of eighteen and nineteen, and often the children do not realize that their religion was changed and they are surprised when they come to marry or renew the civil status cards as a result of damaged or loss and they discover that they were transformed to other religion and here emerge the appeal decisions and laws which require amendment and remedy such as canceling paragraph 3 of article (21) of civil status law or amending it, in what ensures the stay of the minor children in their same religion already registered and if they want to choose later then after reading maturity age (1). Also canceling article (17) of personal affairs law which states "not correct the marriage of the Moslem female from non- Moslem" which contradicts with the personal freedoms and with the equal protection for all and with the text and spirit of article (14) of Iraqi constitution which states "the Iraqis are equal before the law without discrimination due to gender, race, nationality, origin, color, religion, faith, belief, opinion or economical or social situation". And amending article (18) referred to previously in what ensures the rights of minorities and religions.

Hammurabi had registered many cases of Christian Children whose sponsors are afraid to make civil status cards for them because they will be registered not in their religion due to their mother or father declared their Islam, and they suffer from the difficulty of registering them in schools which pushed some to resort to forged documents for registration, or thinking in immigration hoping to be able to correct their situations there.

In an interview conducted by Hammurabi in Ninevah plain distract with the female citizen Romin Ishaq whose age is (29) years, and mother of two sons and a daughter, she says, when I went to the civil register keeper to renew my civil status card and my age was (20) years then, I was surprised to find that I was Moslem in the civil status registries and when I asked why is this? The civil register keeper answered me because your mother who left you young has declared her Islam and married another person, and according to law you are now Moslem, while I never realized that, and Romin adds, my problem does not stop at that limit, but I am now married to Christian, and we have marriage contract in Church and registered properly in Church because my old civil status card fixed in it my original religion which is "Christian". The problem we face is that we cannot make a marriage contract in court and register it according to civil rules, because that will impose on my husband to declare his Islam also or revoke the marriage according to article (17) of civil affairs law No. (188) for the year 1959 amended (not correct the marriage of the Moslem female to non-Moslem) and the text of article (18) already referred to of the law above (The Islam of one of the spouses before the other follows the Sharia provision in the stay of the marriage or the separation between the two spouses) and the great suffering is our children who reached the age of school and they do not have identity cards, and thus they will be deprived of education, and Romin and her husband appealed to our organization (Hammurabi) to find a solution to their humanitarian problem.

In the same context speaks Saad Naom who is Christian born in Basra in 1948, about his problem, ten years ago he was married to a Moslem and divorced her without touching her, and his religion was changed in the identity card and in the civil status registers, all this happened in one day inside prison in Baghdad, only to help her return to her family after she eloped with another person, and when a difference occurred between her and that person, she wanted to return to her family and she requested Saad to mediate with her family, and that help was transferred into indignation. Instead of being thanked, he was sent to prison, married to a Moslem and had his religion changed coercively... The problem did not stop at that, after getting out of prison, he married to a Christian, and presently he has a number of sons and daughters and he wants to keep them on their original religion Christianity but that collides with the provisions of article (21) clause (3) of civil status law No. (65) For the year 1972 amended which states (the minor children follow in religion who adopts Islam religion of the parents), and their ages have reached the school age, and that what impose of getting personal documents. Saad is before difficult choice, either depriving them from education or accepting changing their religion in the official documents, therefore he applied to our organization to help him to get out of his crisis.

There are many appeals of this kind reached our organization, and a number of Christian clergymen in Iraq confirm that there tens even hundreds of Christian citizens facing similar suffering.

B- Discrimination practices:

In the framework of discrimination, Iraq has ratified many important agreements, which indicate explicitly non- discrimination against minorities and their status, including the two international compacts pertaining the economical, social and cultural rights and the civil and political rights and the international agreement to eliminate all kinds of racist discrimination, and the international compact to protect all persons from coercive disappearance.

The ratification of these treaties means that Iraq is committed according to international laws and customs to provide extensive protection to all Iraqis including the minorities (1) and article (8) of the Iraqi constitution states that Iraq "respects its international commitments", however there is no text defining clear mechanism to implement international treaties in the framework of local legislations.

Although the international agreement to eliminate all kinds of discrimination which Iraq has ratified, defines discrimination in the broadest scope possible, and article (1) states explicitly on that "it is meant by racist discrimination any discrimination or exception or restriction or performance based on race, color, ancestry, national or ethnic origin and targets or leads to disrupt or obstruct recognition in human rights and basic freedoms or enjoining or practicing them, on the basis of equality in the political, economical, social or cultures fields or any other field of the fields of public life. But the minorities especially the non-Moslem face discriminatory procedures in appointments and acceptance in public jobs, in functional gradation, delegations and holding high functional positions and others of the discriminatory measures in the wake of the prevailing sectarian sharing, The organization has documented a number of cases being documented discriminatory cases among them relieving the Armenian Iraqi

Alex Warkes the national security consultant in the Council of Representatives from his position, and the report of the investigation committee in the House of Representatives Diwan, which Hammurabi was able to have a look at it explained that relieving Mr. Warkes from his position is not based on the existence of legal, functional or administrative reasons, and all what was attributed to him by the former speaker Ayad Al-Samirae is untrue and contrary to law and the bye law of the Council of Representatives. And in the text of the report which was submitted to the present speaker Osama Al-Nujaifi on 12 March 2011 refers to a letter submitted to the committee by the former representative Shiekh Khalaf Al-Alayan the secretary general of the national dialogue council, that replacing him with another person was preformed on religions discrimination basis because Alex Warkes was Christian. Mr. Warkes has filed judicial claim in May 2010 against Ayad Al-Samirae the former speaker in Al-Karkh Court of First Instance accusing him in racist discrimination, but the claim as it appeared to Hammurabi was refused formally, not for legal considerations. But to avoid the confrontation of the court with the claim parties, as an attempt to escape from interferences and pressures from those of influence in this issue, and the fear of the judge on his life in the wake of fragile security situation. At the same time Mr. Warkes has filed another claim in the general discipline council against the former speaker, but the revoked it in March 2011, as he was requested as a condition to form the parliamentary investigation committee to remove the injustice on him. With all that he was not given the opportunity to return to his position in spite of the recommendations of the investigation committee maintained above contained his right to return. Also his salamis and dues are not paid which forced him to leave the country.

Which explain the weak ability of the Iraqi judiciary to take judgments in such cases, especially in the wake of the existence of sectarian and racist conflict in the country and the non-existence of local legal texts mechanisms and provisions to implement international treaties, prohibiting discrimination, through which the international law and the international commitments of Iraq could be applied at the local Iraqi level.

Also the organization followed- up discriminatory procedures for religion and sectarian reasons in number of ministries and official department among them for instance but not limited to, the position of Janan Matti Suliman was changed from Director General in the Real Estate Registration Directorate in Baghdad lower position (deputy director general) and this forced her to request transfer from her department to the Christian and other religions endowments directorate. Also the position of Mr. Waled Hanodi was changed from consultant in the Ministry of Electricity to a lower position (deputy director general) which he served ministry for more than 30 years ⁽¹⁾, which forced him to apply for retirement later. These changes did not come due to lack of efficiency, but for religions considerations.

Beside that the organization noticed weakness in articles of constitution, Law and Bylaws concerning the equity of ministries in representation and participation. Article (9) of the Iraqi constitution states (the Iraqi armed forces and the security organizations are comprised from the components of the Iraqi people in what observes their balance and representation without discrimination or ousting...) and article (22) first states (work is right for all Iraqis in what ensures them decent life).

¹ –The catholic Chaldaen Church – Baghdad

Although many of the articles of Iraqi constitution recognize the importance of non-discrimination and equitable representation in the state establishments concerning the mark appointing and representation in the armed forces, the representation of Christians and minorities is still at its minimum and have nothing that reflects the balance referred to in article (9) of the constitution referred to above although the general secretariat of the council of Ministries issued circulation in February 2011 to all ministries and state departments in the necessity of protecting the Iraqi Christians and emphasizing of giving facilities to deal with the situations of Christians and Izidi employees and students in transportation, assigning or hosting in other distracts and observing the employees who could not attend the official working hours due to the terrorist targeting directed against them, however abiding by it is still weak and subjected to interpretation and moods of those in charge in addition to the complications and illogical arguments in various state departments.

As for in the field of health care, article (31) first states (every Iraqi has the right in health care, and the state takes care of the public health, and ensures the means of prevention and treatment by constricting various kinds of hospitals and health establishments).

The international compact for economical, social and cultures rights (ICESCR) gives the right "in enjoining the highest level possible of physical and mental health" to all. Also ICESCR obliges countries to take steps to achieve this right fully. This includes among other matters the creation of the circumstances to ensure the medical services and care to all patients (¹).

This is also liked with Iraq, where the violence restricts the movement of transportation and together with the existence of texts and obligations our organization has received notices from Izidi activists about the existence of discrimination in health care there are tens of population compounds for Izidi in Sinjar district north west of Mosul without any establishments which provide health services, and children and women of Izidies have been subjected to death especially during childbirth, and the violence directed against them prevents them from reaching to Mosul hospitals, especially when there are emergency cases at night. Also there are other compounds without potable water and the water is delivered to them even now by water tankers.

While article (30) of Iraqi constitution first states (the states ensures to individual and family - especially to child and women- the social and health insurance and the fundamental basis to live in decent life, ensuring to them the suitable income and appropriate housing) and clause second the same article indicate (the state ensures the social and health insurance to Iraqis in case of old age, illness or disability from work or vagrancy or orphanage or unemployment, and works on protect them from ignorance, fear and poverty and provide for them the housing and special programs to qualify them and take care of them and that is organized in law), however thousands of Christian youth are immigrating annually not because of violence only but because of the spread of unemployment and the loss of hope in appointing or employing or finding work opportunities, this is in addition to depriving large number of aged and disabled from social insurance, and the numbers included in the insurance stated that obtaining their dues is irregular and uncertain and the routine procedures and errors in organizing deprived hundreds of aged and disabled from this

¹ The international compact for economical, social, and cultural rights, article (12)

Right, such as the existence of errors in the names and the registering the male females and vice versa or the non appearance of the names in the lists which lead to delay in paying the dues for long months.

To that refers the report of the international organization of Izidi human rights whose headquarters is in Canada, to the names of (74) Izidi persons committed suicide during the years 2011, included youth and aged, women and men, married and unmarried (see annex L), and 90-95% of those committed suicide talked to their relatives and close friends about the reasons of reaching to the moment of fulfilling this horrible act which there are no other options open before them.. The report adds that most suicide cases among the old is due to unemployment and inability to support their families materially, consequently their isolation and seclusion then the disruption of their social communication and what follows that of infliction in the diseases of estrangement inside the homeland, as for the suicide amongst youth and students, it often occurs among students who consider themselves Izidies ethnically and religiously, where they are exposed to psychological harassments and pressures by Kurdish studied who ridicule them due to the difference in the standard of living, where the Kurdish students have good school supplies, modern cars, nice clothing, good nutrition, while these poor Izidies continue in their old ragged clothes, and poor food and nutrition where there are neither school supplies nor cars ... etc. and in the wake of this the Izidies remain thinking of their bad situations and feeling in inferiority and annoyance and consequently they an not continue the study at the time of the absence of the necessary aid for them to improve their situations and their inability to find solutions to their problems therefore they resort to committing suicide. The report of the international organization of Izidi human rights adds "about the existence of large shortage in the size of social aids for Izidies whether from the federal government or the local government, especially to those not afflicted to Kurd or Arab political organizations and who consider themselves Izidies ethnically and religiously"⁽¹⁾.

C- The Religions Freedoms:

The government in the year 2011 exerted great efforts in protecting churches at worship houses of Christians and surrounding them in concrete walls and intensive guarding to enhance the freedom of practicing the Christian to their beliefs, however (8) churches most of them in Kirkuk and Baghdad were subjected to various assaults, but the protection required did not reach their extensive and comprehensive meaning which mean the protection of the existence, rights and freedoms stipulated in the institution and valid laws.

The Christian students were not subjected in official and programmed way to the pressures for participating in the lessons of Islamic religion teaching, but there were practices from teachers in various districts whether in Baghdad or Mosul forcing Christian students to stay in the classroom in the subjected of Islamic teaching. Nazar who is Christian citizen residing in Al-Dura says that his daughter Eva in fifth primary class, her teacher does not allow her to leave the classroom in the subject of Islamic religion and he adds that he fears facing the school administration because that may bring to him and his daughter negative consequences that herm his security in the district. There are other number of Christian students parents stated to the organization such stories.

¹ The report of the international organization for Izidi human rights for the year 2011 whose headquarters is in Canada

As for the harassments about wearing the veil, they depend on the district in which the Christians reside or the official department in which they work. There are districts in which the non-veiled are subjected to direct pressures, and the citizen Nazar (Abo Yousif) says he lives in Hay Al-Siha in Al-Dura, his neighbors continued pressuring him to impose the veil to his wife as well as the wife of his brother Cesar and he adds "they were saying to him that they have favor on them for protecting him and his family and in return they should thank them and thank God for staying alive, therefore against this favor they were the veil", and in other districts in Christian women were not subjected to any kind of pressures, while numbers of Christians in districts in Baghdad and Mosul when they go outside the house they wear the veil to avoid harassments and they might not have been threatened actually.

So is the matter concerning the departments, and that depends on who heads and manage the department. There are departments which issued clear and direct instructions in the nature of clothing, while other departments have practice non- apparent and hidden pressures. In December 2011 Hammurabi received a copy of an official letter in No. 8376 dated 18 December 2011, addressed to central commissions and departments in oil Products Distribution Company belonging to the Ministry of Oil containing directions to the women employees working in the company in the necessity of abiding by defined pattern of clothes, shoes and the colors allowed, according to the letter of the Ministry of Oil No. 28367 on 30 October 2011 referring to the letter of the general sacrament of the Council of the Ministries 36737 on 17 October 2011 about the recommendations of the higher national committee to raise the Iraqi women which emphasized in it their directions in the necessity of the women employers abiding by the uniform whose details are listed as follows: 1- Prohibiting the wearing of tight suits and short shirts, 2- Prohibiting the wearing of tight trousers, stretches and dresses of clear features, 3- Prohibiting the wearing of light shoes the slippers, 4- Prohibiting the wearing of gaudy colors and bright shirts.

From other side, other departments have practiced kinds of indirect pressures through gesture or making non-veiled hear words irritating them... and Hammurabi received information from female Christian employers transferred from their departments to other departments not related to their specialization because of the mood of their director for being unveiled, Ilham (41) years an employee in one of the Iraqi ministries says I was surprised with my friend Maria when we returned to work after Easter holding of the Christians to find the order of transferring us to a department has no relation to our specialization ready and when we asked about the reason there was no satisfactory reason except what was leaked to us that our director general does not want to see our like in the departments near to him because we are not veiled . When Hammurabi put forward the matter to the minister ha was astonished and requested meeting them, confirming that if the director general does not want their like, I am prepared to transfer them to my department.

D- Encroachments and Confiscating Property Illegally:

There are many of the Christian houses and property controlled by others in certain districts such as Al-Dura and other districts in Mosul where they were occupied forcibly, and their owners are afraid to file complaints against them in order to keep their lives, which others claimed that their rights were not restored in spite of submitting claims and evidences proving the belonging of there property, while others were forced to sell their property in cheap prices in Mosul and Dura in Baghdad and other districts

in which extremism provided to avoid such problems where a Christian citizen called Khoshaba own a house in Al-Dura which was taken over by a family when he left it in the events of violence many years ago and since that time it is resided by that family and refuse to leave it. He adds "I submitted all what is required to restore my rights but without use".

Also there are houses owned by Christians and are leased and the lessees do not pay the rent to their Christian owners, beside that the selling of property belonging to displeased or migrant Christians occurred without their knowledge in Mosul through making forged powers of attorney and property deeds cooperation with corrupt employees in the Real Estate Registration Departments and the involvement of lawyers, and with the increase of direct threats to Christians compared with previous years, Hammurabi has observed number of threat cases received by Christians in the form of letters dropped at their houses containing threats imposing on them abandoning their plane of residence and property and not staying against their life. This is what happened to Aziz Eshoo and his family where they left the place of their residence which is the house of one of their immigrating relatives located in Palestine street in Baghdad in October 2011 of 600 square meters and two floors, after the requested the police to protect them temporarily until they could transfer their furniture and effects to Ninevah plain district where the Christian village and towns.

Also Hammurabi received in January 2011 a memorandum from (41) Christian families residing in (28) Nissan apartments in Al-Salihiya in Baghdad, faced pressures from the government wearing them in vacating the apartments most of them were living in them for more than twenty years, was allocated to them by the previous regime being their inhabitants were working in the departments belonging to the presidency Diwan as service workers or in technical matters not related to decision making and the special polices of the previous regime, where they were paying the rent to the state besides what they paid of fees deducted from their salaries throughout the years of occupying them as dues to possess them to them as soon as completing their dues.

For that, Hammurabi submitted a memorandum to the Republic President requesting excelling them and lift the injustice from them in order to participate actively in imposing the respect of the simplest right of their rights, stipulated in international conventions which Iraq adopted (the right in suitable residence) as citizens spent their life to serve the country and stay in it, and in spite of that many of them were subjected to evacuation after the government sold their apartments to officers in the army and security organizations, and some of those officers conducted illegal practices and pressures forced many of those families to evacuate them coercively, where the citizen Issam Abdullah residing one of Al-Salihiys apartments since 1987 says, when the security file was in the hands of the American forces no one objected, but after the American withdrawal my apartment was sold to one of the Ministry of Interior officers who continued harassing me which forced me to evacuate it, while we have exception letters from evacuation from the government, this is in addition to contracts in occupying them in the period of the previous regime.

In the same contest, the Christians were hoping after 2003 the restoration of their lands which the previous regime transgressed or took over, especially after forming the property claims commission and the issuing of law No. (13) for the year 2010 pertaining ensuring the rights of citizens whose real states were extorted contrary to laws, and preserving the public finds, and remedying the imbalance between the interests of citizens and the interests of the slate. The previous regime has transgressed on school buildings, clubs and societies belonging to Christians and seized them such as Al-Hikma University and Baghdad College and other buildings to the church and in spite of

recovering some of these buildings and compensating others, but there are property not recovered and not compensated and the property claims commission could not decide the transgression performed by the previous regime and seizing agricultural lands delegated in the real estate department belonging to Christians and their owners have governmental deeds, in the aim of constructing government establishments or housing the staff of the security forces or martyrs families of the non- residents of the district to execute the demographic change program in Christian districts. On this base Jaber Bin Hayan establishment was constructed on the property of the Christian inhabitants of Talkef town without compositing their owners. Also hundreds of families were housed in each of Al-Hamdania and Bartela and the villages belonging to them in the same way. The slow procedures of the property claims commission and not deciding many of the claims and the complicated bureaucratic procedure in deeding with the files of transgressions, and the delay of the judicial committees concerned in doing justice to citizens and removing the injustice from them and compensate then made the hope of the citizens in the government and in the new change becomes weak gradually, especially after they were looking to the process of changing the regime as an opportunity to recover their rights and property or at least compensating them on fair and equitable bases.

E- The Demographic Change and the Property Seizure:

Article (23) clause second of the Iraqi constitution indicate explicitly that (it is not possible to seize the property except for public benefit purposes against fair compensation, however thousands of Donems were seized from Christian in Erbil- Ainkawa and other districts in the pretest public benefit such as (seizing tens of Donems of Ainkawa lands for Erbil airport and their Christian owners are still without compensation...), also the same article in clause three prohibits possession for the purpose of population change, but the Ministry of Municipalities and Public Work in Baghdad, started strongly in endeavoring to activate the decision 117 for the year 2000 which was cancelled in the legislative order No. 12 for the year 2004, and according to decision 117 lands in large areas whose property belongs to Christians in Ninevah plain were seized in the era of the previous regime and were distributed them to persons having medals and decoctions them the distinguished of those bearing the party medals and ensigns and to handicapped, employees and distinguished according to Bathist concept, and the place of birth was depended as basis to the distribution process. And activists explained to our organization in the districts of Ninevah plain that depending on the place of birth contradicts with the previous of the constitution. The, matter being related to demographic change because many of the benefiting from the decision are not inhabitants of the districts for whom the lands were allocated, but because they were born in the hospitals of those districts and if those districts are considered their place of birth, and those activists confessed that they prefer depending the place of registrations as bases to distribute the lands instead of the place of birth because this could maintain the particularity of those districts and protect their social and cultural environment, and achieve a judgment more fair, and Mahir Said Matti a legal councilor confirms, that due to the ease in changing the place of birth and due to the civil register keeper is obliged to depend the official letters, therefore merely the birth in the health clinic or the hospital or even a confirmation from the midwife or issuing birth certificate from the court in the testimony of two witnesses through it the place of birth could be changed and obtaining the plot of land to be enjoyed by the one who has no relation to the district thus to change the natural homogeneity among the components of the district ⁽¹⁾ consequently the return of the Ministry of Municipalities and public works to this policy in depending

¹ Mahir Said Matti, source already mentioned, P43

On the place of birth in distributing lands especially in the districts of Minorities contradict with the provisions of the constitution where clause third/ B prohibits possession for the purposes of population change, these policies were followed by the previous regime to change the particularity of the districts of Christians and Izidies in Ninevah plain.

F- The Development and Economical Programs in Minorities Districts:

Many of the articles of the constitution emphasize on equality and observing social justice and non-discrimination on the basis of the economical or social situation, however many of the towns, boroughs and villages Ninevah plain for Shabak, Christians and Izidies suffer weakness in the field of development and economical progress programs and mis-planning in putting the budget for these districts, and Hammurabi followed up the situation in those districts, where the development programs in them and the infrastructures are very weak and there is severe shortage of strategic projects such as hospital, clinic and schools, in addition to the little areas paved of the streets, water and sewage projects, electricity and others, especially in district of Izidies and Shabak. Christians, Izidies, and Shabak activists discovered that there is defect in the plans and programs of the Ministry of Finance and Planning especially in the opportunities of general budget of the state and the strategic programs for development, in what inflicts damage in the districts of minorities, and Louis Marqus Ayoob, the member of Al-Hamdania town council /the head of construction and municipalities committees/ Ninevah plain explained that the planning policy in Ninevah governorate deprived the boroughs and townships belonging to Ninevah governorate among the boroughs inhabited by the sons of minorities of (Izidies, Christians, Shabak and Kurds) such as Al-Hamdania, Al-Shikhan, Sinjar, Makhmor and Telkef from more than 40% of the amounts appropriated to them as population percentage for the years 2010, 2011 because the decision of the government council decreased the budget which is distributed on basis of population density from 80% to 40% while increased the percentage appropriated to public benefit projects and the continued projects from 20% to 60%, and this is what the sons of minorities saw injustice to the right.

Also the Izidi activist Hasso Hishko from Sinjar district and other Izidi activists in special workshop discussed the situations of minorities in Al-Hamdania east of Mosul in January 2011, expressed that many of the women newly born children have died in Sinjar district north west of Mosul, due to the shortage in hospitals and health care centers, and the difficulty of transporting the patients and the emergency cases to Mosul hospitals especially at night due to difficult security situations, and added that there are tens of residential compounds of Izidies the number of their population ranges from five to ten thousand persons not only have no health center, but any health cadre is not available in them.

G- The acts of killing, kidnapping and threatening:

In spite of the reduction in the level of violence in Iraq relatively in the year 2011, the acts of killing, kidnapping and threatening towards the sons of minorities did not stop, although their level concerning Christians was less in the year 2011 compared with previous years, where the percentage of the numbers killed amounted 2% of the total Christians who were killed since the year 2003 while it was 10% in the year 2010, and the years 2004 to 2007 registered the highest percentages, where they reached 25% and 19% respectively (see the details in chart No. 2) Baghdad governorate has registered the highest percentage of killing

and was 59% of the total Christians killed since 2003, followed by Ninevah governorate in 28% (see details in chart No.3) and most of the killed were youth and children (see chart No.4) and the percentage of efficiencies from the total killed amounted 16% while the percentage of women was 14% and clergymen was 2% (see details in chart No. 5) most killing acts were registered against unknown, while the number of killed at unknown hands amounted(648) Christian persons of total of (841)(see details in chart No 1). to have a look at the names, dates and other details (see annexes A, B, C, D, E, F, G attached to the report).

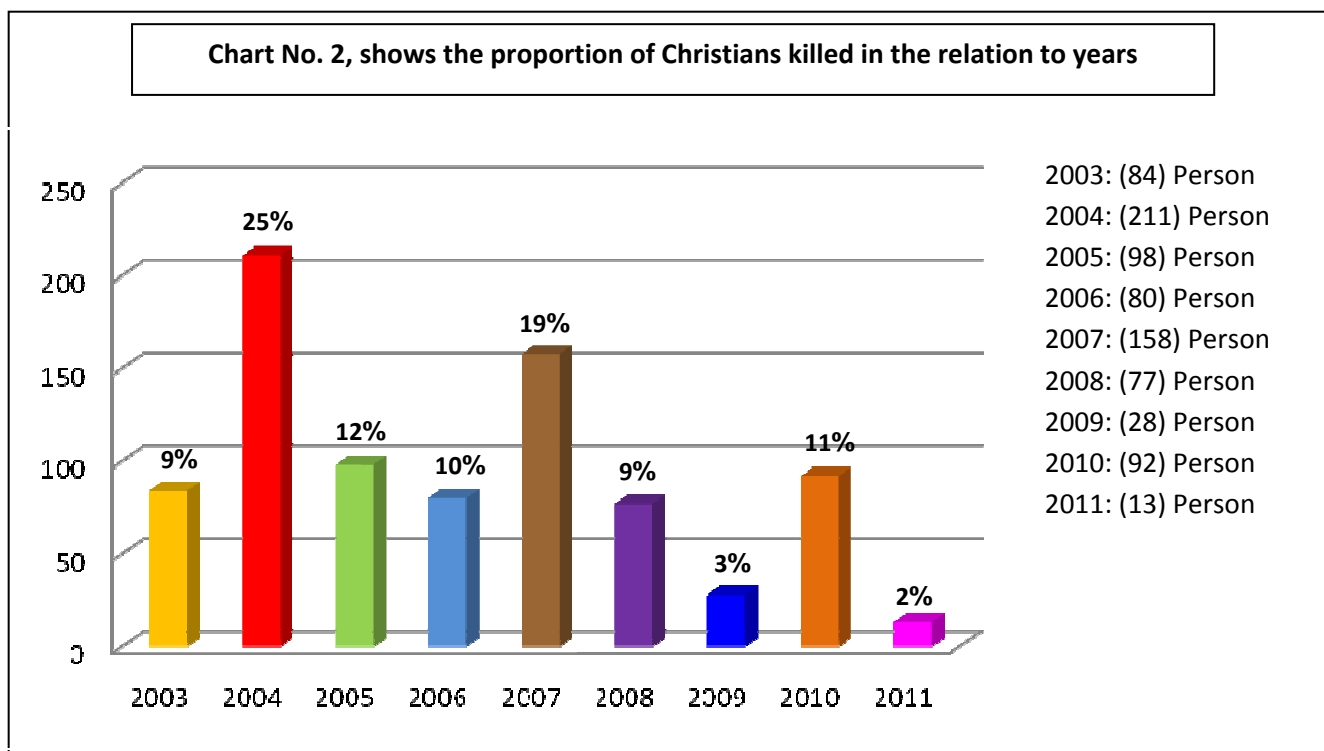
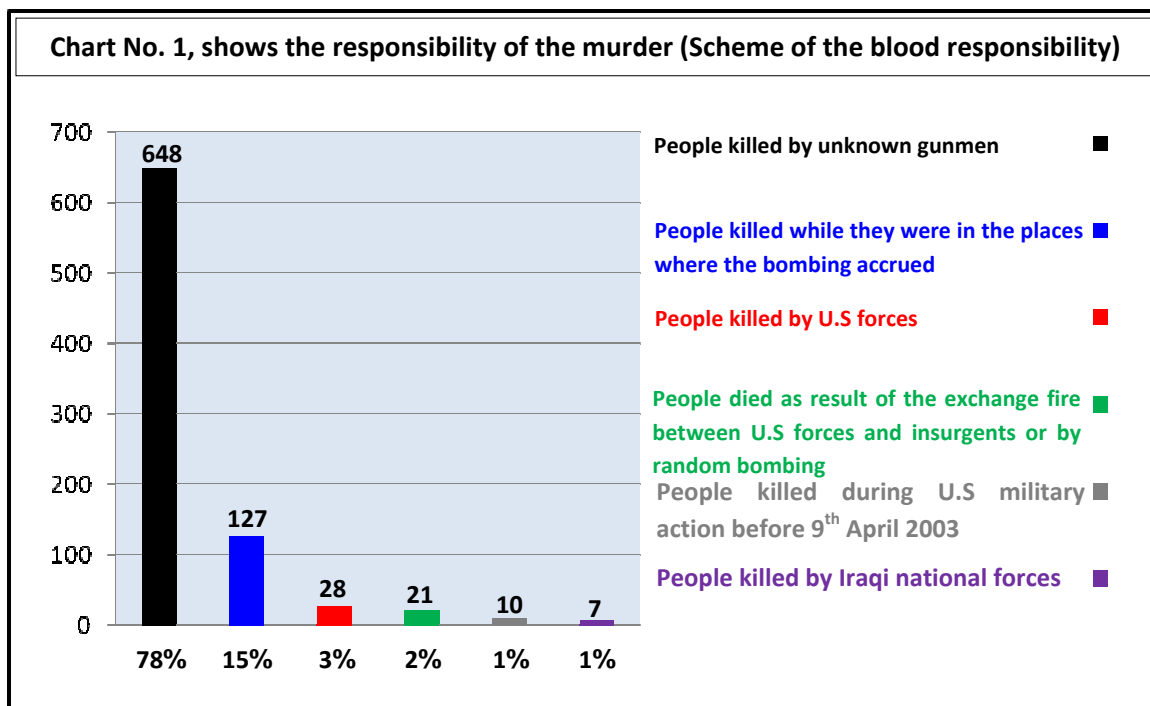


Chart No. 3, shows the proportion Christian killed relation to the provinces

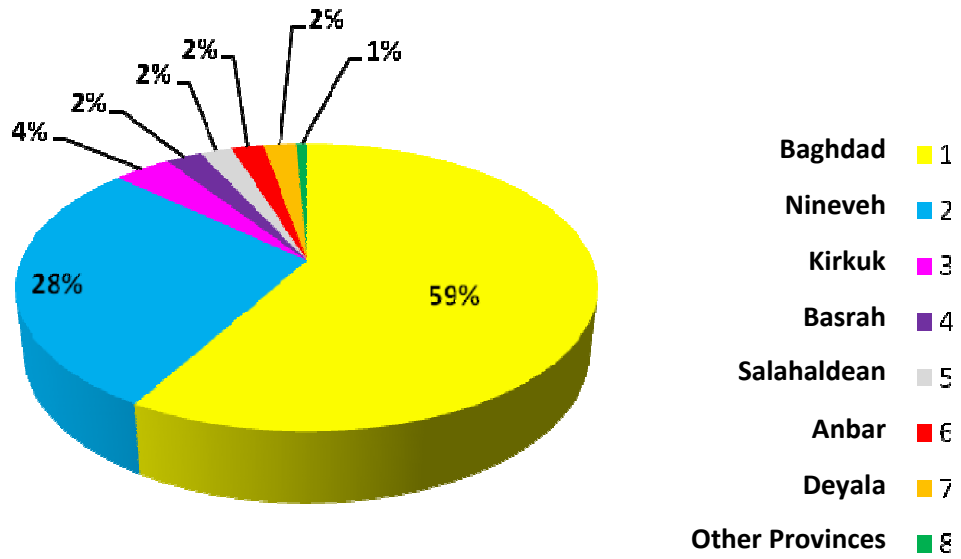


Chart No. 4, shows the proportion of Christian killed in relation to children, the elderly and the rest ages

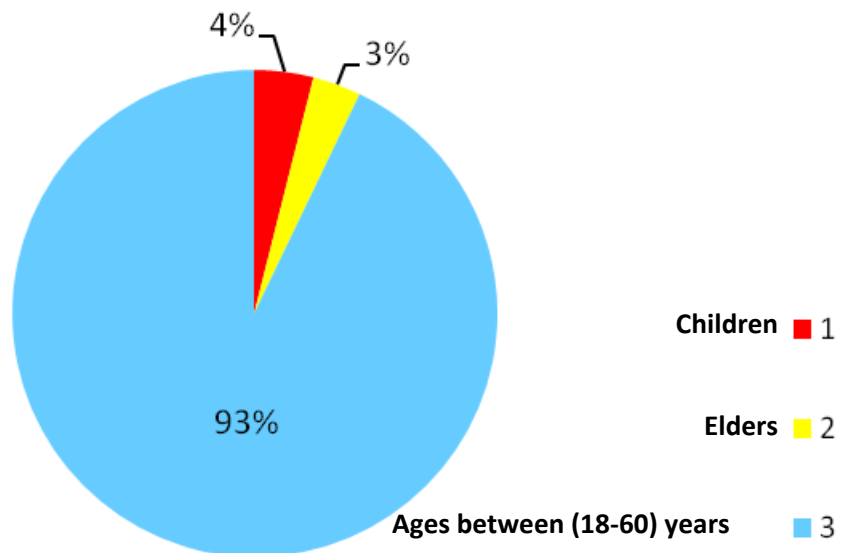
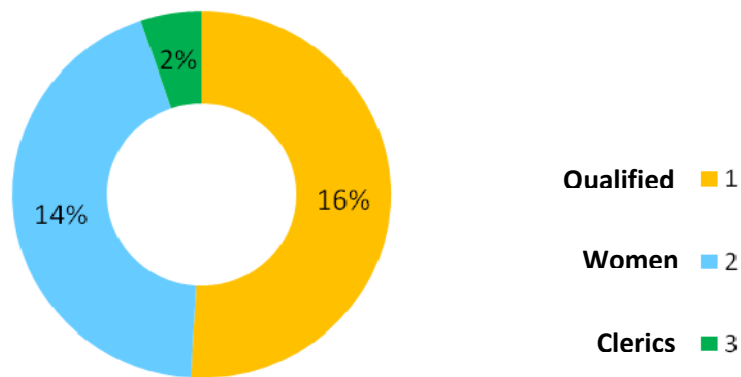


Chart No. 5, shows the proportion of Christian killed in relation to the women, clerics, qualified



As for targeting the minorities for the year 2011, Hammurabi has documented (13) killing cases of Christians happened in Baghdad, Mosul, Kirkuk and Basra out of total 841 persons killed during the past eight years (the details in annex A). In January 2011, Miss. Rafah Toma Danial Alkas Putrus was found killed in her house in Al-Karrada district in the middle of Baghdad she was one of the saved the massacre of the Lady of Deliverance Church which happened on 31 October 2010, and she was an employee in the psychological and educational research center at Baghdad University and on 14 February unknown armed group in Hay Al-Jihad in Baghdad attached a house and killed two Christian persons in it and stole its contents, In 23 February 2011 Yousif Esha was killed and he is seventy years old at the hands of unknown stabbed by a sharp tool after breaking into his house located in Al-Karrada district in Baghdad. In the same method Khatoon Shemoun (Om Ghassan) was killed on 21 July 2011 in Hay Al-Sadoon in Baghdad, she was in her fifties and married and has 4 daughters and two sons.

In Kirkuk the building worker Ashur Yaqoub Issa was killed after he was kidnapped on 13 May 2011 where his corpse was found thrown in the Forth Bridge district in Kirkuk after his relatives were unable to pay the ransom demanded by the kidnappers amounting(100) thousand Dollars. Also killed in Kirkuk Zaia Amanoel Nano on 18 August 2011 and works as self employed, and his corpse was found by the police forces in the district of Hay Al-Mosuli near the College of Law north of Kirkuk. And in September in Kirkuk also Amanoel Hanna Polis was killed at the hand of unknown armed.

As for the Mosul the series of violence against the son of minorities continued during the year of 2011, On 30 May armed group killed Rakan Yaqoub in the district of Kassim Al-Kheyat square in Mosul, he is a Christian working as assistant manager of North Cement Company.

And in October 2011 unknown armed in Hay Al-Muthana in Mosul Killed Bassam Poulis Esho Al-Sanati, a restaurant worker in Mosul, married and has five children. And on 13 December 2011 armed group attacked a car belonging to migrated Christian family, came to Mosul to inspect their house and furniture in Hay 17 July which they abandoned years earlier, and immediately was killed Adnan Elia the head of the family and his wife Raghad Al-Tawil and their two children who were with them remained a appropriated alive orphans. Also a number of Christian personalities were subjected to assassination attempts saved from them miraculously (detailed in annex E) among them for instance but not limited to Dr. Anoya Yousif Anoya who is a physician specialized in internal medicine and a professor in the college of medicine in Mosul University. He was injured in fire bullet in his head on 16 January 2011, when an unknown armed entered his clinic in Al-Rabia' Hospital in Mosul claiming that he is such and fired

At him from muffled pistol and he was injured in grave wounds in face and hand and after several surgical operations inside an outside Iraq His life was saved (more details and cases in annex E).

As for the cases of Christians kidnapping, our organization was able to document (7) kidnapping cases in the year 2011 out of near 200 cases registered in Hammurabi and the last number may not form 10 % of the kidnapping cases to which children were subjected since 2003, because most victims of kidnapping cases did not talk about what happened to them fearing for their life. Hammurabi could not cover and register many cases for not being able to access the required information. During the year 2011 six cases occurred in Kirkuk and one in Erbil. On February 2011 in Kirkuk unknown armed kidnapped Ayad Dawood Sulaiman, has a grocery shop in the district of Celebration Square in Kirkuk. He is 53 years old. He was released on 16 February after paying ransom amounting (50) thousand Dollars. And in Tozkhramato district south of Kirkuk David Isha Zahra was kidnapped on 20 July 2011 works driver (Coaster Taxi) in Kirkuk-Qaraqosh road, he was released two days after kidnapping him after paying financial ransom. And in Daqq district near Kirkuk four persons were kidnapped, three of them Christians and the other is Turkman they were in hunting trip on 20 September 2011. The police found their car type Land cruiser burnt as well as the hunting dogs which were with them and they were released on 3/10/2011, they are each of Putrus Korkese, Noya Yalda, Ashur Dawood and Jankir Izddin.

In Erbil –Ainkawa township, Sarmed Putrus was kidnapped on 13 December by unknown, the kidnapers demanded ransom amounting (50) thousand Dollars. He was released on 16/12/2011, and all sources of our organization stated that the security organization of Kurdistan region were able to reach the kidnapers, arrest them and bring them to justice (for more details about kidnapping cases see annex C).

As for the Christian Churches they were also subjected to various assaults and attacks. Hammurabi has registered (16) attack cases throughout the past years, eight of them were during 2011, included attacks in bombed cars and explosive devices and throwing stones in Kirkuk, Baghdad and Dohuk (see annex D).

Where the Iraqi army was able on 6 January 2011 to foil a plan was targeting Mar Korkese Church the Assyrian in Mosul Al-Dawasa district, where six explosive devices were dismantled in addition to the explosive belts, and arresting a number of suspects. Also the Sacred Heart Church for Chaldean on 24 April 2011 was subjected to assault through exploding an explosive device on police patrol guarding the church, which resulted in the demolishing of the external fence of the church and material damages inside the church. And on 2/8/2011 three churches in Kirkuk were subjected to various attacks. The explosion of a bomb car was stopping before the gate of the Sacred Family Church for Syrian Catholic in Shaterlo district resulted in the wounding of number of civilians among them the priest of the church father Imad Yalda and an infant in addition to grave material damages lead to demolishing parts of it and a number of adjacent houses, and the Evangelical Church in Hay Al-Mas was subjected to explosion attempt by bomb car discovered by the Church guards and the security forces in Kirkuk performed controlled explosion of the bomb car. Also Assyrian Mar Korkese Church in Kirkuk was subjected to explosion attempt by bomb car, but the security forces in Kirkuk controlled the situation.

And 15/8/2011 Mar Afram Church Syrian Orthodox in Kirkuk- Al-Umal square district was subjected to explosion device planted by unknown inside the church, and caused grave damages in the building of the church without human losses. And in Zakho, Zakho Archdiocese for Chaldeans in Mahalet Al-Nasara was subjected on 2 December to attack attempt by a group of extremists Kurds, but the guards of the Archdiocese and some of the youth were able to prevent them. Also Mar Danial Church for Assyrians on 3/12/2011 in Al-Mansouriya Compound in Dohuk was subjected to stone throwing by extremists Kurds (details in annex D). And tens of Christian were injured as a result of these explosions.(see table No. 1 below).

No.	Type of Violence	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total	Remarks
1	Killing	84	211	98	80	158	77	28	92	13	841	Observed through the organization members credible sources and the details are registered with the organization
2	Kidnapping	10	14	13	24	87	25	12	4	7	196	This figure is the number registered with the organization and is estimated 10% of the real number because 90% of the cases are not registered due to the kidnapped are afraid to provide statements fearing for their life.
3	Assaults on Churches Monasteries	-	20	2	3	4	13	9	2	8	61	Observed through the organization members credible sources
4	Various Assaults	42	4	1	2	2	26	9	42	38	166	A large percentage of them the organization could not register
5	Assassination Attempt	11	6	2	-	1	3	-	-	3	26	Observed through the organization members credible sources
6	Wounded and injured	12	13	9	-	-	-	5	275	8	322	This figure is the number registered with the organization and is estimated 10% of the real number
7	Internally Displaced	The organization estimates the number of persons internally displaced is more than 325000									The number is approximately calculated according to estimation criteria	
8	Immigration outside Iraq	The organization estimates the number of persons immigrating abroad is more than 360000									The number is approximately estimated	

Table No. (1) Showing Statistics in the violence against Christians in Iraq registered with Hammurabi (HHRO) for the years (2003-2011).

Internal Displacement Waves:

- 1- (45000) family during the years from 2005-2009/35000 family from Baghdad+10000 from Basra
- 2- (13000) family from Mosul / September-October 2008
- 3- (2300) family after Lady of Deliverance events/during two months only November-December/ from Bagdad and Mosul.
- 4- (5000) family displaced from Kirkuk, Diyala and other governorates.

(65300) total of internally displaced families (these families were transferred to Ninevah plain districts and the northern governorate Erbil, Dohuk and Sulaimaniya and numbers of them migrated outside the country after worsening of their living affairs.

As for Izidies the data of the international organization for Izidi human right which Hammurabi received disclosed the names of more than (40) Izidi persons killed during the year 2001 and the data disclosed that more than (17) cases have been subjected to kidnapping for money or political reasons, some of them were released after cash payment while others were killed in spite of paying the ransom. Also these data disclosed the names of more than (74) suicide cases committed by men and women in the town of Sinjar and Shaikhan, most of their inhabitants are Izidies (see annex L) and the report explained that the majority of these committed suicides are from the youth who despair from life entered their souls as a result of the bad economical reality in their districts , there are no work opportunities and subjection to discriminatory practices by the Kurds an Arabs around them (for more details see annex I).

Also the organization received data from Shabak activists that (11) persons were killed in 2001 by unknown armed mostly from Mosul among the Dr. Haifa Jumma' Abdullah, who is a physician assassinated by muffled weapon in her clinic in Hay Al-Tahrir in Mosul, and four kidnapping cases, some of them were released after ransom and some were killed in spite of that (see details in annex J)

Regarding the other assaults, Ashur Banipal cultural society on 13 January 2011 was subjected to breaking into and stealing by forces alleged that they belong to Baghdad governorate within a campaign performed by the governorate at that period to close cultural clubs included also the club of the Iraqi writers association on the basis that these facilities serve liquors in them without government license and it is required to close them which instigated the anger of the Iraqi writers from those measures led to large media pelting between the literates and government , beside resorting the literates to demonstrations and protests ended in responding them after short period.

On the other hand 10 January 2011 two shops for selling electrical appliances in Baghdad owned by Christians were subjected to explosion, and on 19 May another house in Hay Al-Zohour in Mosul was subjected to explosion(see the details in annex G)

H- The missing and Disappearing:

The number of missing and disappearing if victims belonging to minorities is not in the level of the previous years, it decreased to its lowest levels in 2011, however, Hammurabi has registered (7) cases of Christians kidnapping most of them happened in Kirkuk (see annex C) and seventeen persons of Izidies ⁽¹⁾ and four of Shabak, and most of them liberated against paying ransom, while some others were killed in spite of the kidnappers obtained the funds requested (2) while offers are still missing and their destiny in unknown, (sea details in annexes C and K).

The Iraqis are still unable to fold the page of the mixing, absentees and killed of unknown identity who fell along the past gears whether in the violence acts which the country witnessed or the wars engaged into. Their effects are still visible and continue and the families of the victims do not spare effort in looking for the corpses of their sons and relatives.

The registered statistics of our organization indicate 196 cases of kidnapping since 2003 see annex (C). This numbers does not equal except 10% of the real number because large numbers of kidnapping persons or their families did not inform our organization in the details required. Not little numbers of kidnapped were liberated after paying ransom against their life, and others were killed in spite of their family paid for ransom, and the other part are still missing to the amount of issuing this report (see annex K).

The file of missing become sticky in the Iraqis since many decades and stayed open its pages not folded since the Iraq- Iraq war, the Anfal operations, Kuwait was and continued with the invasion of Iraq by the American army, and the period of the sectarian violence while left thousand of names whose destiny in unknown.

Our organization keeps statistics and details for more than (150) Christian in Assyrians and Chaldeans, lost during the Anfal operation in 1988 and noting is mentioned about their destiny in spite of discovering many mass graves (details in annex H), also Hammurabi follows the destiny of more than (38) persons lost in the acts of sectarian violence since 2005- 2008 (see annex K), after Hammurabi required information from their families and relatives to look for them and follow their matter through its available capabilities and in vises of that the organization has submitted memorandum to official authorities among them the Ministry of Human Rights and the Ministry of Justice inquiry amount many of them and the organization has received answers confirming the nonexistence of any information about their destiny and Hammurabi praise the role performed by the Ministry of Human Rights and its continued efforts paying attention in the situations of the missing and following up the mass graves.

With the elapse of the sectarian violence period in the country, but the file of the missing and the absented cannot be folded, while Hammurabi keeps many of their stories it is necessary to disclose some of them for instance but not limited to, perhaps they serve the families of the victions and highlights their suffering.

The citizen Saif Sabri Kamel born in 1981 is one of the sectarian violence victims. He was driving his car Jeep shroki in June 2007 with him his wife in Hibhib district the main road between Baghdad and Diyala. It is the district in which Abi Mesaab

1 The report of the international organization for Izideis human rights for the year 2011

2 See annex (j) pertaining the cases of killing and kidnapping of Shabak

Al-Zarqawi letter, and according to his wife an imaginary control intercepted them, they tried to escape but they were fired on and was injured in his leg, the armed group consisting of more than 7 persons kidnapped Said and his wife his mention to be absent since that day.

Mr. Vivian Khudair Om Rami is a number of Hammurabi Human Rights Organization (HHRO) who lost her husband in April 2007 lives state of confusion and instability. She does not know whether she must surrender after long search for her husband or live in false hope, when an armed group claiming that they are keeping forces, broke into their house located in Baghdad-Baghdad Al-Jadida district, in four shaded cars type Monica and was taken to unknown side and since that time she does not know anything about his destiny, she did not spare a plea she did not resort to or door knocked at, buy without use, she was subjected to extortion by people that they could reach to her husband against paying amount of many. The problem she faces is that all the property and funds are registered and deposited in the name of her missing husband, she is caused, does she consider him deed to be able legally to move the funds and dispose with the property, and this is what her feeling does not accept, and between the urgent need for funds to improve her determining living position, she is in dilemma.

Also Raya Zora who is a young woman and mother of two children is still looking for her husband who disappeared with his car on Baghdad- Mosul road since October 2007 but without use.

There are collective disappearance cases, where the families of (21) person are still continuing searching the destiny of their sons, and a number of the visited our organization and according to their families they disappeared after leaving Hadith dem camp and it is believed that the disappearance occurred in Al-Tharthar district, and they are Izidi and Kurd works, work for the account of highways company whose headquarters is in Erbil on Kirkuk road, disappeared with their cars type Kia and Bdokham.

As for the citizen Kamal Arain Abo who is continuing contact with Hammurabi, did not spare effort to knock all doors looking for his son basher who disappeared in Baghdad in November 2007, where he was continuing contact with the gang the kidnapped his son, but the Iraqi and American forces at that time ambushed the dens of the gong and his news were cut and his father does not know anything about his destiny. The family of Yonan Danial Mama does not differ from Abo Bashar in looking for Yonan, who is English language teacher, was working in many exchange place in Kirkuk. He was kidnapped on 29/ July/2010. The kidnapers demanded from his family an amount of (150) Thousand Dollar, which is an amount his family could not pay, and since then his destiny is still unknown.

Many of the victims families hope that the responsible authorities pay attention to their tribulation and realize the volume of their suffering to put and end to their desperate and frustrating waiting and they live between uncertainty, reality and unlimited hope:

I- Kurdistan Iraq Region:

Kurdistan Iraq Region witnessed in the year 2011 a retreat in the process of consolidating coexistence between the corporate existing in it. On 2 December 2011 hundreds of extremist Kurds attached and assaulted shops, commercial enterprises and tourist instillations around by Christians and Izidies in Zakho, Sumail, Imadiya and Dohuk. The extremists burnt and destroyed more than (40) silos including liquors shops, hotels, casinos and salons for hairdressing, physical and massage. See the details in annex (G). The matter spread to assault on some churches in Zakho and

Al-Mansourira in Sumil and were pelted in stone. This happened when the prayers left Al-Rashid mosque in Zakho after the Friday speech effected by the preachments of the mosque imam who he referred to business system including massage saloon and others, are against Islamic values after which these started attaching the works and interests of Christians and Izidies, and this happened under the eyes of the security bodies in the region, which failed to protect the interests of non- Moslem monitories in the region, and quickly the blame and accusation was directed to the Kurdistan Islamic Union which is Islamic Kurdish organization within the opposition block in the Kurdistan region parliament, and as a quick and emotional reaction, its headquarters in Dohuk were subjected to burring by supporters of Kurdistan Democratic Party, before conducting any investigation or legal measure, proving the involvement of Kurdistan Islamic Union in the solstice acts referred to.

Christians who Hammurabi organization meet them expressed their doublets in the credibility of the accusations directed to the Islamists and expressed that the Christians are victims of political games to settle among kinds themselves, and leaders in the Kurdistan Islamic Union who Hammurabi contacted them proved their involvement in such acts, confirming that the imam who instigated the prayers in himself affiliated to Kurdistan Democratic Party which is the governing party in the district. And number of the harmed in Zakho who the organization met them after these events in a short period stated that security bodies belonging to anti crime has gathered data about the shops of selling liquors and the stores pertaining their goods and their owners and addresses, three days before these indicates, while other citizens near to the shops burnt stated, who did the extremists know, assuming that they went out spontaneously, in the places of the liquor stores while we do not know of them and we are near them?!

Although Mr. Masood Al-Barazani the president of the region ordered forming a committee to investigate into these indicates and composite the harmed, best some of the harmed whom the organization met in the February 2011, confessed that they did not get any compensation for the damages they suffered and the results in investigators no one knows about them.

Concerning the encroachments on the property and lands in the region, hundreds of Donems, lands and houses which the previous region confiscated and belonging to Christians in Erbil, Dohuk and Sulimaniya are still not returned to their owners and part of them belong to the churches, also the owners of the agricultural lands in Ainkawa which are used for the airport and for investment for public benefit are not compensated.

Also Hammurabi received data and information from activists and trusted Christian sides stating that there are transgressions on more than (50) Christians villages, property and extensive agricultural lands whose matter in still suspended without solutions and transgressed by persons having authority and influential or tribal of persons supported by the local governments, most of these lands were for Christians their owners left them due to the bad circumstances, wars and military acts which Kurdistan region district witnessed at the time of the previous regime, and migrated to large Iraqi cities such as Baghdad, Mosul, Kirkuk, Basra and others, and they returned after the change in 2003 to find other people have transgressed on their lands and villeges, for instance the village of Bedaro in Zakho municipality and some Kurdish Sheikhs are controlling the village and its entice agricultural lands since 1992.

Beside that there is a number of Christian villages in Slaifani plain north west of district in Iraqi government at the time of the time previous regime has seized for the aim of demographic change and settled Arabs in their property, but the Arab transgressors left the district after it became under the control of the Kurds after 1991, and some of the villages returned to their Christian residents and some are still under the control of responsible and influential Kurds, and the matter of many of them are still suspended and not returned to their actual owners for instance all the attempts of Christians did not succeed in recovering the Christians lands of Qarawla village west of Zakho which are controlled by the influential people of the Kurds since 1992. also the transgression is still existing on the Christian village Derabon west of Zakho near the Syrian border, where the government at the time of the previous regime has constructed a residential compound of approximately 200 houses in the lands of the village in favor of the Arabs and after the withdrawal of the Arabs from the district in 1991, Kurds were housed in them and large number of them came from other districts and transgressed on additional lands of the village.

There are other encroachments in Duhok, Imadiya, Barwair Bala, Agra district, Shekhain, Sarsunk and others, we are unable in this report to present all the details and the names of the villages transgressed on, and will be enough to present other examples, not limited to, transgressions existing and continuing on lands and property of Christians in Kurdistan region. In Barwari district belonging to Zakho brought the people of the Christians village Jaqli suffer from the transgressions of the inhabitants of Brifka village the Kurdish on more than 10 Donems of the village lands since 1991, and the transgressions is still existing and continuing without any measures from the government to do justice to the land owners, also their owners are prevented from building in their lands.

And in Amadiya borough there are tens of villages and hundreds of agricultural Donems transgressed on, in Inshlic village for instance there are orchards and agricultural lands the previous regime has seized coercively and now they are registered in the name of the Ministry of Finance of Kurdistan Region, also there are many of the residential plots of land in the village transgressed on by Kurds from adjacent villages.

There are encroachment also on residential and agricultural lands of Hamziya Village in Imadiya borough in addition to building a mosque in them and not hearing the protests of Christians, and the transgression is still continuing in spite of the appeals and the visits of the village people to the government authorities in the Region. And in Aqra borough there are transgressions on large areas of lands in the villages of Jam Ribtky, Kashkawa, Jam Sani, Kohana, Jam Ashrat, Karbash, Doriya and other villages, for instance the existing transgression on Kashkawa village and large areas of its lands since 1963 is not lifted, where Kurdish citizens have transgressed on, so is the matter concerning the near villages, such as Jam Sani, Kohana, Karbash, Doriya and Hezani. **And in the districts which is called disputed such as Ninawa plain and others,** the people live in these districts as if they are between the hammer and the anvil, they face something like blockade between the procedures of the local and central authorities on one hands and the pressures and practices of Kurdistan Iraq Region authorities on the other hand. This overlapping in authorities often result in violations to human rights and freedoms, and in many times the administrative measures and activities directed from the central government and the local governments contradicted with plans and measures of Asaish and the Kurdish security organization, in Al-Hamdaniya the Asaish in March 2011

closed restaurants (Happy Time) after it hosted a meeting of minorities alliance, Hammurabi Organization was participating in it , and attended also by Al-Hamdaniya Mayor the head of the administrative unit there, former ministers and parliament members and activists from civil society organizations. The closure decision issued by the Asaish that the owner of the restaurant did not inform the Asaish organization about the meeting, while the meeting was in the knowledge of the head of the administrative unit and the borough council. The elements of Asaish entered the place of the meeting without permission or attention to the side sponsoring the meeting which the Iraqi Minorities Alliance in connection with international law and human rights institute. and in June 2011 the Asaish held a group of children in Al-Hamdaniya whose age does not exceed 15 years for a period of four hours to interrogate with them without judicial orders, and when one Hammurabi tried to follow up that, he was called by Asaish for the consequences of following up the matter. Also the organization received statements that the Asaish On 21 May took eight shepherds of Sabak to its headquarters in Baashiqa in the broad daylight, without judicial orders, and after four hours of insult and beating they were released¹. Also sources close to Hammurabi stated that citizens form minorities districts have been subjects to harassment by security organizations (Asaish) when they used their mother language (the Syriac) on the signs of their commercial shops, the Iraqi Constitution grants them this right².

And in Sinjar, Hammurabi followed up in anxiety the harassment conducted against Izidi activists who did not joined the Kurdish parties, where some of them stated to Hammurabi that the Asaish called them from time to time to interrogate and detain them without judicial orders.

J- Escaping Punishment:

Our organization noticed most killing, kidnapping and attacks on churches cases mentioned in our report were registered against unknown armed and the result of investigation committees which were formed in orders of high authorities to number of incidents especially those like genocide operations, the massacre of Lady of Deliverance Church in Baghdad in 2011, and the killing and the displacing of Christians in Mosul at the end of 2008, Al-Qahtaniya Massacre against Izidies In Sinjar, Al-Khazna explosions against Shabak in Ninawa and others remained vague and anonymous and the measures and judgment taken in them became unknown to the harmed groups and the Iraqi public opinion.

The contradiction of sectarian and national interests, the spread of corruption and not applying the law completely, the weakness of follow-up and accountability participated in one way or another in the escape of criminals from accountability and punishment of persist in continuing crime for instance a number of Christian citizens Zakho the organization met them in February 2011 among them the victims of violence those stated that do not know the results of the investigation committee which Mr. Masoud Al-Barazani ordered to form on the background of the aggression occurred on the interests of Christians and Izidies in Dhouk governorate at the end of 2011, they also confirmed that the harmed did not obtain any compensation for their losses.

¹ Democratic Shabak Gathering, Violations of year 2011

² See article (4) clause fourth of the Iraqi

And in Baghdad in some context one of the friends of Rafah Toma Danial Alkes Putrus family who was killed in Al-Karrada in January 2011 stated in Al-Karada in January 2011 suicide Hammurabi stated in leaking information he obtained that the suicide in killing Rafah who was arrested by Anti-terrorism forces has been released by the criminal police after the case was classified in the framework of (Criminal Crimes) where the investigation papers were forged and the evidences concealed against the police officers concerned had received amounts of money, and the sister of the victim avoided submitting a claim disclosing this fact fearing for her life in the wake of the government not controlling the security situation completely .

So is the matter in the unjust ousting against Mr. Alex Warkis the consultant of the Representatives' Council for the security affairs from his position already referred to, where the wrong responsible were not brought to account in spite of the recommendations of the investigation committee which the speaker Osama Al-Najafi has ordered to form and its acknowledgement in the non-existence of legal, functional and administrative reasons to issue the decision of releasing him from his position, and proving that there are discriminatory measures explicit and clear.

K- The Immigration and the Returnees:

Usually many of the people resort to their governments to ensure and protect their basic human rights and their security, as for the state does not want or concern provide the protection to its citizens, they may decide to seek security in another country. The minorities in Iraq were expecting and hoping better life after the previous despotic regime in April 2003 did not expect that the following years will witness the broadest threat to their existence. The Christians during the past eight years their numbers decreased, and most estimations say that their number reaches half million persons after it was one million and four hundred thousand according to 1987 Census, while leader from Sabian Mandaean estimate the number of Sabians in Iraq not exceeding ten thousand out of more than fifty thousand persons before 2003.

According to the United Nations High Commission of Refugees (UNHCR) the minorities from 30% of the total Iraqi refugees whose number reaches two million Iraqi refugees in Syria, Jordan and he rest of the world³. The United Nations report in 2010 indicates that a total of 1.6 million Iraq refugees abroad, there are more than 40% of them Christians ⁴

Hammurabi has persisting on following up the immigration file in the Christian medium. Through observing its levels in the Christian villages and boroughs in Ninevah plain districts , and the date and the information taken from church leaders and the changes occurring in the size of their dioceses and churches as samples could be measured on, the reams of our organization noticed that the bleeding of immigration in the Christian society did not stop during 2011, and the organization estimates that the persons left the country during 2011 reached to average of (20) persons daily which indicates the immigration of seven thousand Christian approximately in 2011

¹ The Assyrian European council, human rights' report about the situation of Assyrians and the immigration from Iraq, quoted from the United Nation High Commission for refugees (UNHCR).

² www.wherewoodweep.org, the situation of churches in Iraq.

this estimation is very near to what stated by father Reemon Mosili the Patriarchate deputy of Catholic Chaldean Church in Jordan to Shafaq news, where he confirmed that more than four thousand Iraqi Christians have entered Jordan in 2011, more than six thousands immigrated from Iraq during the same year, indicating the most Christians have immigrated to Jordan this year contrary to the previous year in which Syria hosted most of them.

As for return of the immigrants, Hammurabi organization conducted special program to decrease the movement of return for Iraqi immigrants, in the first four months of 2012 and before preparing this respect specifically. The number of returning families registered with organization was nearly (100) family, the total of their numbers was (350) persons. The returnee from Syria formed the largest percentage of the total numbers. The reason belongs to the retreat of the security situation in Syria and the escalation of the acts valance and the military operations in many of the governorates and districts. Sweden came in the second place regarding the returnees then Lebanon in the third place followed by Greece... etc. (see table No. 2 below).most of the returnees from Sweden disclosed that they returned because their residence is considered illegal and that necessitated leaving Sweden, while small percentage of them indicated that they returned by their own will and voluntarily. As for the returnees from Greece and Lebanon they confirmed to the organization the high prices and the difficult living due to the determination of their financial and economical situation pushed them to return.

No.	Country	No. of Families	No. of persons
1	Syria	32	117
2	Sweden	22	88
3	Greece	15	35
4	Lebanon	9	39
5	Turkey	4	16
6	Germany	3	8
7	America	3	11
8	Egypt	2	5
9	Norway	2	3
10	Canada	2	3
11	Austria	1	3
12	Britain	1	4
13	Venezuela	1	6
Total		97 Family	338 Person

Table No. (2) Numbers of Christians families returned to Iraq registered with Hammurabi (HHRO) for the year 2010-2011 distributed according to ----- countries up to10 May 2010.

As for the reasons of leaving Iraq, most returnees that they escaped from the country not only because of the deteriorating security situation but also due to the deteriorating of the living and the public services and infrastructures in their districts, the electricity outages, unemployment, and the little work opportunities and appointing in addition to discriminatory and marginalization practices in the establishments they used to work in or the districts they were residing in, some others justified leaving the country due to the fear of the future and having no hope in the political leadership and their ability in improving the situation in Iraq in view of the sectarian, national, political, district and other conflicts.

It appeared to Hammurabi that the most of the returnees were exploited in the neighboring countries and spent what they have of money after selling their property, effects and furniture in Iraq and lost their jobs and interests and consequently they returned lately and they do not have the basis of suitable living. Hammurabi's program pertaining returnees which was implemented lately, disclosed that 60% of the returnees have sold their furniture before immigration and 75% of them reside in rented houses, little of them was able to return to his job while many still face administrative and routine difficulties to achieve that.

It appeared also that not all the returnees have obtained the grants of the ministry of immigration and displaced, there are not numbers still did not obtain their decided dues, as the reason belongs to complicated routine procedures in the offices of the ministry of immigration and displaced or the unsuitability of the situations of some of them with the criteria put by the ministry.

As for the **internally displaced**, Hammurabi organization performed visits to the displaced compounds in Nineveh plain and all are from minorities, where it noticed that they suffer difficult living situations from the economical aspect because there are no work opportunities and most of them depend on simple works such as guarding and working in daily wage, this in addition to the respect of the education level of their children even number of students stopped continuing their education, and want to work while they are in childhood age, due to inability of their parents to cover the expenses of their living and study.

Hammurabi estimates the number of internally displaced Christians since 2003 and up to 2012 in more than (300) thousand Christians, and in spite of resorting to these districts more safe, but not little percentage of them forced to have the country because the basis of their slay are not available. Because there are no work opportunities and consequently their bad living conditions. (See table No. 1).

L- The Role of the Government in Protecting the Minorities:

After the massacre of the Lady of deliverance Church on 31 October 2011, the federal government made great efforts in the protecting the churches and houses of worship of Christians, Sabian Mandaean and Izidies through surrounding them in concrete walls and putting intensified guarding on them beside that it issued instructions and directions circulated to various state establishments to give facilities to deal with the situations of Christians and Izidies in the procedures of transfer, assigning or hosting, and observing the circumstances of the employees who cannot attend officially due to terrorist targeting directed against them, and in spite of the weak evidence in these instructions, but they considered positive step registered for the government. Also the Ministry of Education took positive steps regarding the introduction of human rights items in the study syllabuses and its consent lately on the suggestions of the syllabuses modification projects which was adopted and implemented by Iraqi Minorities Alliance* in corporation

* Iraqi Minorities Alliance: Is an Iraqi non-governmental civil alliance consisting of organization and individuals from Iraqi minorities, established in 2010 and includes Christians of Assyrian Chaldean Syrian, Izidies, Sabians and Shabak

with the United States of America Institute of Peace, to manifests the coexistence between the compounds of Iraqi society and acquainting the new generations in the heritage ,identity and role of Iraqi minorities in enriching the civilization and culture of Iraq and their participation in its human, national building and beside the Ministry of human rights had clear efforts in introducing the concepts of plurality to the components of Iraqi society in the study syllabuses by depending the principle of citizenship and human rights for all study stages and the recommendations of its conference in Erbil 2011 contained demands in this direction.

Nevertheless the government remains requested in providing protection in its broad and comprehensive meaning, which requires protecting the rights and freedom stipulated in the constitution and valid laws and achieving equality, non discrimination and protecting the existence in what is required by the international obligation of Iraq, this requires taking comprehensive procedure of policies and institutional framework to protect the rights of minorities and not neglecting in performing arrangements to prevent public and private transgressions against the rights of minorities, and bring those performing them to account, and treating the problem radically, especially the transgressions on lands and property pertaining minorities weather those occurred at the time of the previous regime or after, or those which are in Kurdistan Iraq Region, also treating the weak political representation of minorities and the retreat of the criminal justice and discrimination in work, appointing and positions.

As it is known the protection of rights for minorities often requires procedures and arrangements among them preventive arrangements to prepare the circumstances ensuring consolidating their identity to facilitate maintaining their culture, regenerate them and develop them, and depending legislative arrangement aiming at protecting minorities from hatred and violence on the bases of race or the religious and ethnic affiliation.

In view of the lock of such arrangements and the weak accountability and punishment, encouraged many of the individuals, establishments and groups to practice discrimination, ousting, marginalization and assimilation against minorities and the increase of fear with the Christians, Mandaean Sabian and Izidies on their material existence and its continuation in the districts, and which they live specially Christians and Izidies existence in the disputed districts, and in view of the economical security, political and social pressure which the citizens live in these districts.

Hammurabi followed – up this weakness in the government and authorities procedures and arrangements in general in protecting the material existence of minorities, through continuing the bleeding of immigration amongst minorities, and the disinterest of the government in that, and the absence of defined programs to reduce them, besides the little attention in development and infrastructure in their districts in the level that serves the permanent access of minorities to the necessary material resources to continue their existence in their districts and regions, and what increased the fear of minorities on their existence is the inability of the government to impose its hold on many of the practices and violations especially after it appeared that it is hardly able to protect itself in view of hundreds of officers and security bodies personal being subjected to targeting in muffled arms during 2011.

Conclusion and Recommendations:

Hammurabi Human Rights Organization (HHRO) for see that the minorities in Iraq live the obsession of fear on their existence, identity and national and ethnic particularly and their cultural, religious and lingual identity in view of the weak necessary protection by the federal official authorities or in Kurdistan Iraq Region or the local governments and in view of the inability of the authorities to prepare the circumstances and environmental necessary to consolidate their existence and the respect of their identity. Surrounding the churches and worship houses of Christians, Mandaean Sabian and Izidies

in concrete walls and intensified guarding does not express the actual meaning of the protection which the international criteria refer to, which depend on several basic conditions which are the protection of their existence, non- exclusion, non-discrimination against them and non assimilation. And what is meant by the protection of existence is their material existence and the continuing of their existence in the regions and districts in which they live and their permanent access to the resources necessary to continue their existence to those regions and the right in the material existence supported according to government of preventing the crime of genocide and punishing for it.

But the protection of the existence of minorities exceed the duty which requires non-extermination of minorities or weakening them deliberately but also respecting their religious and cultural heritage and practicing it, which is essential matter for their collective identity including the buildings and sites such as libraries, churches, mosques, temples and places of worship.

The protection of minorities requires non-exclusion from the national society and requires from the states putting procedures to prevent discrimination and providing opportunities of obtaining the means of achieving justice, while the duty of loyalty requires from the states implementing positive measures to make sure that the people obtain their rights completing in what enhance the conditions of collective identity for them and achieving the collective identity requires not only forgiveness but also having positive attitude towards cultural diversity from the side of the state and society in general, and the acceptance of the distinguishing characteristics of minorities and their contribution in the life of national society as a whole is not enough, but requires respecting that, and the protection of the identity does not necessarily mean that the state refrains from following assimilation policies of the minorities in the dominant cultures locally, but should protect them from the activities of other parties on which effects are arranged leading to assimilation.

Iraq is contracting party in the arrangement of eliminatory all kinds of racist discrimination and the international compact pertaining the civil and political rights and the international compact pertaining the economical, social and cultural rights. These treaties impose on it obligations and the state establishments should work in order to develop the situations of minorities. And in view of the facts which come in the report our organization recommends the following:

First: Depending suitable legislative, judicial, administrative, consolidating, educational arrangements aiming at protecting the small number of Iraqi components (minorities) regarding

- A-** Their protection from hatred, violence and discrimination on religious, racist, ethnic or lingual etc. bases, and it is essential that the state consults with minorities in what could from suitable arrangements, including enacting laws, amending or canceling laws, regulations, customs and prevailing practices which form discrimination against ethnic and religious groups and other groups.
- B-** Protecting the right of participation in the cultural, religious, social and public life actual and active participation at national level as well as the regional level wherever necessary, especially in the decisions pertaining the minority to which they belong or in the districts in which they live provided that this participation is in a way not contradicting with the national legislation and requires extending the field of participation for minorities in the following:

- 1- Opening channels for consultation between the minorities and between the minorities and the governments, and this could form a means to settle disputes and supporting plurality as a condition for dynamic stability in society, and this is what is required to apply to remedy the tension that arose between Christians and Shabak in Ninevah plain at the end of 2011 and the beginning of 2012 due to previous decisions and laws.
- 2- For the difference in the formation, needs and aspirations of minorities in Iraq, it is required to depend the most suitable methods to prepare the circumstances which allow in the participation in end case separately and here it is observed it the minority lives in defined and restricted district in the country or spread all over its parts, or if it is small or large minority or old or modern minority.
- 3- The active participation does not mean only in the legislative, administrative and consultative commissions but the public life in general.
- 4- Providing equal opportunities to occupy positions in the public sector including various ethnic, religious and lingual sects.

C- Applying the legal framework of article (125) of the constitution, in what is proportional with the objective facts and requirements, and to achieve clear progress in protecting the existence and rights of minorities at the present time, requires taking following arrangements and procedures as first steps within long term strategy to improve the reality of minorities in Iraq.

1- Reconsidering all the decisions issued in the real estate ownership in the districts of minorities at the time of the former regime because they involved known ideological policies in arabizing the sons of minorities and followed that the arabization of the land and eliminating their religious , ethnic, cultural and lingual participations included Christians (Chaldean, Assyrians, Syriac), Izidies, Shabak and even Kurds in same districts through conducting operations of demographic changes and seizing lands and exportation of property belonging to Christians coercively, and transferring population in the methods of arousing desire or temporizing and distributing lands to Iraqis by means appeared as if they are natural procedures but they were of discriminatory purposes and results. Therefore it is required to amend those decisions immediately in what keeps the particularity of the minorities districts among them (decision 117 for the year 2000, and law 53 for the year 1976 and the other decisions related to the property in districts like Ninevah plain and Kurdistan Iraq Region). Hammurabi sees the necessity that this is made in consultation with the sons of minorities, specialist in law, the concerned in the real estate registration departments, the municipalities and the other related establishments.

2- Enacting personal affairs laws separate for the non-Moslem minorities in what is consistent with article (41) of the constitution, or expediting the amendment of the present personal affairs law, so that there is no discrimination against non-Moslem minorities. The absence of such laws keeps the basic rights of minorities in the personal affairs without protection therefore it is necessary to reconsider and perform amendments in number of the articles in the present law which concern the marriage, divorce, inheritance, the will and the family such as the articles (12,13,17) which judge in the nullity of marriage between different religious and article (21) clause 3, which is related in judgment in the religion of minor children after declaring the Islam of one of the parents, and amending it in what ensures the known Islamic principle " No Coercion in religion " provided that the children remain on their religion and are granted the right of choosing the religion after reaching the maturity age or the full eligibility

Second: Releasing functional degrees to appoint the sons of minorities and facilitating their joining in the various state departments including the security and military organizations starting from the concept of practicing positive discrimination to protect the existence of minorities in addition to follow-up the application of the directions issued by the government to provide facilities to deal with the situation of Christians

and Izidies employees and students whom were victims of violence, in transfer, assigning and hosting, and bringing to account the establishments which do not abide by these directions or work on bypassing them through non-objective and unreasonable practices, especially that the concept of positive discrimination states that the difference in treatment between individuals may be justified if its aim is consolidating equality on the existence of what justifies restoring the balance in opportunities, especially if the lack of balance was prevailing in the past and still continuing.

Third: Working on the growth and the development of the minorities' districts, especially the Izidies, Shabak and Christians districts and putting suitable programs to develop the infrastructure in Nineveh plain districts and the districts called (disputed), and ending dealing the file of these districts, and to that our organization sees that putting legal frame for article (125) working on establishing additional administrative units, open municipal departments and granting additional powers to boroughs and will townships participate in developing those districts and consequently reduce the tension between the minorities themselves and will participate in reducing the immigration and encourage the return of displaced and immigrants, and without doubt the consolation of the government with the minorities regarding this file is considered vital and required matter.

Fourth: Hammurabi calls the government to work on consolidating the cultured identity of minorities especially encouraging the learning the mother language of the minorities in their districts beside the Arabic language, and the necessity that the government permits the schools syllabuses in their language and supporting the Syriac schools in Nineveh plain districts especially that the textbooks used there are still printed through Education Ministry of Kurdistan regional Government and its directorates. Also our organization request developing the Shabak and Izidies language in what serve enhancing their cultural identity, and request also stopping the harassments performed by the security bodies in the districts of minorities in not using their language beside the Arabic and Kurdish languages on the signs of the commercial shops, and this is considered violation of article (4) of the constitution which considered Syriac and Turkmen languages are other official language in the administrative units in which they form population density.

Fifth: Hammurabi calls the government and all the Iraqi authorities to work in order to remedy the immigration of Christians and other minorities and enhance and fix their existence, and this is not done except through observing their interests in the process of the national policies and programs and implementing them, and putting studied and extraordinary strategy including legislations in compensating the displaced and returning their property, supporting the returnees, and returning the dismissed students and employees because of the violence and terrorism to their work and positions, supporting the returnees, compensating the terrorism victims who lost their sons and relatives due to violence and finding the protection means to guaranty their existence through providing suitable legal environment protecting their rights, beside developing their districts which open work opportunities and employment and so on.

Sixth: To achieve justice, enhance the respect of the state to minorities' rights and ensuring them, our organization calls disclose the results of investigations in the crimes and massacres to which the minorities were subjected, which were undertaken by government committees to investigate the massacre of the Lady of Deliverance Church in 2010, and the crime of killing Archbishop Faraj Raho and other priests, and the collective displacement of Christians in Mosul in 2008, targeting the buses of transporting Al-Hamadaniya students to Mosul University on 2/5/2010, besides the major crimes to which the Izidies were subjected to in Al-Qahtaniya in Nineveh and Khazna crime against Shabak, exploding Wardek village of the Kakaeen and others, and publicize what was implemented regarding them and who stands behind them, and compensating the families of the victims and the wounded and the restoration of damaged buildings and property.

The governmental delay in completing the investigations or neglecting the implementing of the recommendations of the investigation committees, and the inability and courage on accountability on the acts of discrimination and inequality that participate in one way or another is shaking the confidence of minorities in the authority and procedures, and that means more immigration and increase of fear danger on the existence amongst the minorities.

Seventh: Starting from the realization of our organization in the Iraqi legal history and the strength of its judicial system, however it is still weak, where it did not take into consideration the needs of minorities sufficiently in many fields, in spite of the civil law for the year 1951 at the personal affairs law are considered of the best laws which registered the national diversity and coexistence among different Iraqi religious and ethnic groups, but the local laws lack saturation in international laws and the obedience of Iraq in them, especially what is related to minorities, and applying the international laws to the local level requires listing them in local legislations especially these emphasizing on racist, religious, ethnic, lingual and other discrimination. The Iraqi laws do not include racist discrimination provisions although Iraq has ratified the International Agreement to eliminate all kinds of racist discrimination, and adopting the local texts with the international law relevant to the obligations of Iraq is considered of importance in view of the continuing sectarian violence, as well as the discrimination practices which took place in the time of the former regime towards certain sections of population.

Eight: Hammurabi organization for human rights calls the federal government and Kurdistan Region government to stop all practices of restrictions on freedom under security justifications and the pressure conducted on the population in the disputed districts, for not accepting affiliation to certain nationalities, and request the state to take arguments preventing some dominating minorities on imposing their special rules and identity on persons who do not want to be affiliated to them as what happened by Kurds on Izidies and Sahbak in Sinjar, Shaikhan, Baashiqa and other districts in Ninevah Plain.

Ninth: The organization calls the federal authorities and in Kurdistan Iraq Region to put arrangement to avoid performing change in the particularity of the districts of Christians, Izidies and Shabak and stopping the practices of Kurdization or Arabization their districts, and the necessity of respecting their religious, national, ethnic and cultural particularity, through canceling or arranging all laws and decisions which were usual at the time of the former regime or what was issued or maybe issued later.

Tenth: protecting the minorities through listing a text in the Iraqi constitution, then legislating the law of protecting the minorities and the original components, through which committees are formed in consultation with minorities and owners of experiences to consider the legislations touching their rights and granting them complete rights in what ensures their continuity, stay and substantiality.

**Hammurabi Human Rights Organization (HHRO)
Baghdad- July 2012**